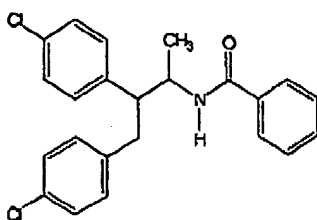


- 9) 1,2,5-thiadiazolyl,
- 10) thiazolyl,
- 11) pyrazolyl,
- 12) triazolyl,
- 13) tetrazolyl,
- 14) benzothienyl,
- 15) benzofuranyl,
- 16) benzoxazolyl,
- 17) benzimidazolyl,
- 18) benzothiazolyl,
- 19) indanyl,
- 20) indenyl,
- 21) indolyl,
- 22) imidazo[11,2-a]pyridinyl, (sic)
- 23) beta-carbolinyl,
- 24) 5,6,7,8-tetrahydro-beta-carbolinyl,
- 25) tetrahydronaphthyl,
- 26) 4,5,6,7-tetrahydroindazolyl,
- 27) 2,3-dihydrobenzofuranyl,
- 28) dihydrobenzopyranyl,
- 29) 1,4-benzodioxanyl,
- 30) pyridinyl,
- 31) pyrimidinyl,
- 32) pyrazinyl,
- 33) quinolinyl,
- 34) isoquinolinyl,
- 35) quinazolonyl,
- 36) quinazolinyl
- 37) 1,8-naphthyridinyl,
- 38) 1,2,3,4-tetrahydro-1,8-naphthyridinyl,
- 39) pyrido[3,2-b]pyridinyl,
- 40) pyrazolo[2,3-a]pyrimidinyl,
- 41) pyrido[1,2-a]pyrimidinyl,

- 42) pyrido[1,2-a]pyrimidinyl,
- 43) benzopyrimidinyl,
- 44) imidazolyl, and
- 45) imidazolonyl,

Applicants elects R^1 and Ar^1 as non-heterocyclic, for example, phenyl or naphthyl. If election of a particular compound is also required, Applicants elect *N*-(2,3-bis(4-chlorophenyl)-1-methylpropyl)-benzamide, the compound exemplified in Example 63, appearing as compound (65) in Claim 8, and shown below:



Claims 1-24 are readable on the elected species.

Applicants understand that upon the allowance of a generic claim, they will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR §1.141.

In providing reasoning for this 45-way restriction requirement, the Examiner stated that the species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons:

It is considered that a Markush-type claim encompassing such species is directed to multiple independent and patentably distinct invention since the species are so divergent and unrelated that a reference anticipating the claim with regard to one of the species will not render obvious under 35 USC §103 with respect to any of the other species. Further these species are considered to be independent since they are unrelated in operation, one does not require the other for ultimate use and the specification does not disclose a dependent relation between them. Moreover, each of the stated species is considered to be patentably distinct from the others on the basis of its properties. Thus, the stated species are capable of supporting separate patent.

Applicants respectfully traverse, noting that the compounds of the present invention share the common technical features of modulating the CB1 receptor by antagonism/inverse agonism, and share the common use of being useful for treating diseases ameliorated by antagonism of the CB1 receptor. Still further, the compounds share the features of being substitute aryl amides, having an "acyclic" core.

USSN 10/509,277

p. 4

The Examiner is invited to contact Applicants' representative at the number below, if such contact would facilitate prosecution of this application to allowance.

Respectfully submitted,

By


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